

\*JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> Kinbook, LLC		<b>DEFENDANTS</b> Microsoft Corporation	
(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.	
(c) Attorney's (Firm Name, Address, and Telephone Number) Richard D. Gallucci, Spector Gadon & Rosen, P.C. 1635 Market St, 7th Fl., Phila., Pa. 19103 (215) 241- 8886		Attorneys (If Known) Unknown	
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> PTF 1 <input type="checkbox"/> DEF 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> PTF 4 <input type="checkbox"/> DEF 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input checked="" type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6

<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)				
<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>SOCIAL SECURITY</b>	<b>400 State Reapportionment</b> <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
			<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<b>IMMIGRATION</b>	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions

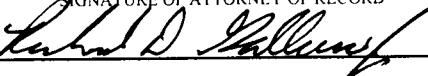
<b>V. ORIGIN</b> (Place an "X" in One Box Only)						
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**15 U.S.C. § 1125**

<b>VI. CAUSE OF ACTION</b>		Brief description of cause: <b>Trademark Infringement</b>				
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<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b>	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
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<b>VIII. RELATED CASE(S) IF ANY</b>		(See instructions): <b>JUDGE</b>	<b>DOCKET NUMBER</b>		
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DATE <b>9/17/10</b>	SIGNATURE OF ATTORNEY OF RECORD 				
FOR OFFICE USE ONLY					

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFF \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

SPECTOR GADON & ROSEN, P.C.  
RICHARD D. GALLUCCI, JR.  
OLIVER D. GRIFFIN  
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7<sup>th</sup> Floor  
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Phone 215-241-8888  
Fax: 215-241-8844

*Attorneys for Plaintiff, Kinbook, LLC*

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

KINBOOK, LLC,	:	
<i>Plaintiff,</i>	:	CIVIL ACTION NO.
	:	
v.	:	
MICROSOFT CORPORATION,	:	
<i>Defendant.</i>	:	
	:	
	:	

---

**COMPLAINT**

Plaintiff, Kinbook, LLC ("Kinbook"), by its attorneys, Spector Gadon & Rosen, P.C., for its complaint against defendant Microsoft Corporation ("Microsoft"), states as follows:

**PARTIES**

1. Kinbook is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 151 Blackpool Road, Rehoboth Beach, Delaware 19971.

SPECTOR GADON & ROSEN, P.C.  
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Phone 215-241-8888  
Fax: 215-241-8844

*Attorneys for Plaintiff, Kinbook, LLC*

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

KINBOOK, LLC,	:	CIVIL ACTION NO.
<i>Plaintiff,</i>	:	
	:	
v.	:	
MICROSOFT CORPORATION,	:	
<i>Defendant.</i>	:	
	:	
	:	

---

**COMPLAINT**

Plaintiff, Kinbook, LLC ("Kinbook"), by its attorneys, Spector Gadon & Rosen, P.C., for its complaint against defendant Microsoft Corporation ("Microsoft"), states as follows:

**PARTIES**

1. Kinbook is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 151 Blackpool Road, Rehoboth Beach, Delaware 19971.

2. Upon information and belief, defendant Microsoft is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at One Microsoft Way, Redmond, Washington.

**JURISDICTION AND VENUE**

3. This case arises under an Act of Congress, 15 U.S.C. §1125, relating to trademarks and trade dress. Accordingly, the Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(c) in that defendant Microsoft regularly conducts business and sells its products throughout the United States, including the State of Pennsylvania.

**GENERAL ALLEGATIONS**

5. Kinbook is the developer of on-line social networking software and applications designed for the sharing of information between and among family members.

6. In May 2009, Kinbook, at its own significant expense, engaged in the process of developing a specific on-line social networking software application designed for the sharing of information between and among family members on Facebook®. Facebook is a social networking website launched in February 2004 that is operated and privately owned by Facebook, Inc., with more than 500 million active users in July 2010. Users can add people as friends and send them messages, and update their personal profiles to notify friends about themselves. Additionally, users can join networks organized by workplace, school, or college.

7. More specifically, Kinbook engaged the services of software engineers and spent a plethora of hours developing the concept of a social networking application as well as a consumer friendly and identifiable trademark and tradename in connection with its product, namely, Kinbox® and Munchkinbox®.

8. On December 2, 2009, Kinbook filed its initial application with the United States Patent and Trademark Office for the registration of the trademarks and tradenames Kinbox and Munchkinbox in connection with specific on-line social networking software application designed for the sharing of information between and among family members. True and correct copies of the trademark and tradename applications for Kinbox and Munchkinbox are attached hereto as Exhibit A.

9. Also in December 2009, Kinbook's software application for family members under the tradenames Kinbox and Munchkinbox became available for actual use by Facebook® users. True and correct copies of the webpages displayed by Facebook® in connection Kinbox and Munchkinbox in a stylized design are attached hereto as Exhibit B.

10. On or about September 3, 2010, the United States Patent and Trademark Office accepted the Statements of Use filed in connection with Kinbox®, Munchkinbox®, Kinbox® and its design, and Munchkinbox® and its design under application Nos. 77/884017, 77/884060, 77/884174, and 77/884195 respectively.

11. To date, Kinbook continues its use, development and support in connection with Kinbox and Munchkinbox as social networking applications for use on Facebook. The company has significant plans to expand this application beyond Facebook, and has capital to deploy.

12. Accordingly, Kinbook has built up and owns valuable goodwill for its product and software application under the names Kinbox and Munchkinbox.

**DEFENDANT'S WRONGFUL CONDUCT**

13. Defendant Microsoft is a public multinational corporation headquartered in Redmond, Washington, USA that develops, manufactures, licenses, and supports a wide range of products and services predominantly related to computing through its various product divisions.

14. On or about April 12, 2010, well after Kinbook's initial filing and use of the distinctive terms Kinbox® and Munchkinbox® in connection with social networking software and applications for use through on-line social media, Microsoft sought the registration of the term "Kin" in connection with "on-line services relating to maintaining and organizing mobile phone related data; on-line audio-visual data storage and download services; [and] on-line software download services." A true and correct copy of Microsoft's trademark and tradename application are attached hereto as Exhibit C.

15. Thereafter, Microsoft began that sale of its product, namely, the Kin One and Kin Two. The Kin One and Kin Two are wireless telephones that contain software applications for the purpose of on-line social networking as well as the downloading of audio-visual data, applications identical to those offered by Kinbox® and Munchkinbox®. Moreover, the Kin One and Kin Two are sold in packaging dubbed a "Kinbox." A true and correct copy of a webpage displaying the Kin One and Kin Two product packaging are attached hereto as Exhibit D.

16. In addition, in November 2010, Microsoft is poised to release its software application and product known as "Kinect," an on-line social networking application for use on the XBOX 360. A true and correct copy of a webpage from engadget.com touting the release of Microsoft's Kinect for XBOX 360 is attached hereto as Exhibit E.

17. Upon information and belief, Microsoft is developing additional on-line social networking software and applications using the term "Kin."

18. Microsoft's use of the term "Kin" in connection with on-line social networking software and applications constitutes trademark infringement and has caused substantial customer confusion and confusion to the public. Such confusion irreparably strips Kinbook of the goodwill it has developed with the consuming public in connection with its use of the trademarks and tradenames Kinbox® and Munckinbox®, and is injurious to the consuming public as well.

**COUNT I**

**UNFAIR COMPETITION AND TRADE DRESS INFRINGEMENT**  
**15 U.S.C.A. § 1125(a)**

19. The allegations set forth in paragraphs 1 through 18 hereof are incorporated herein by reference.

20. Kinbook's registered trademarks and tradenames Kinbox and Munchkinbox in connection with on-line social networking software applications is inherently distinctive.

21. Microsoft's on-line social networking devices, software and applications using the term "Kin" are advertised and promoted in the same channels of trade, and are directed to the same consumers, as the on-line social networking software and applications offered by Kinbook via Facebook®. Microsoft has infringed on the rights of Kinbook by using a trademark and tradename, namely the term "Kin," in connection with the sale of its products Kin One and Kin Two, as well as its soon-to-be-released Kinect product - products specifically designed for on-line social networking. Microsoft's use of the term "Kin" in connection with these products is

confusingly similar to the distinctive trademark and tradename used by Kinbook with respect to Kinbox® and Munchkinbox®.

22. Microsoft is unfairly competing with Kinbook by adopting the infringing trademark and tradename to identify its on-line social networking products and applications, the intent and result of which has been, and continues to be, a palming off or passing off of Kinbook's on-line social networking application as emanating from or being endorsed by Kinbook, thereby causing confusion, mistake or deception among the public as to the source or origin of such goods.

23. Microsoft's use of confusingly similar trademarks and tradenames is likely to and does permit Microsoft to misappropriate and unfairly trade on the valuable goodwill developed by Kinbook.

24. Microsoft's misappropriation and misuse of the Kinbook trademarks and tradenames is a false designation of origin as to the on-line social networking software and applications Microsoft makes available in interstate commerce. Consumers who purchase Microsoft's products, and specifically its Kin One, Kin Two and Kinect, are led to believe that the product associated with Microsoft originates with Kinbook or is sponsored by Kinbook when, in fact, Kinbook has no responsibility for, or control over, the acts of Microsoft or the quality of its products.

25. By its wrongful acts, Microsoft has caused, and unless restrained and enjoined, will continue to cause serious irreparable injury and damage to Kinbook and the goodwill it has developed in connection with the trademarks and tradenames Kinbox® and Munchkinbox® in this district and elsewhere in the United States. Microsoft's acts have further caused and will

continue to cause irreparable injury to the public as well. Kinbook has no adequate remedy at law.

**WHEREFORE**, plaintiff Kinbook, LLC demands judgment against defendant Microsoft, for the following:

a. Preliminary and permanent injunctive relief enjoining Microsoft, its officers, agents, servants, affiliates, parent and subsidiary corporations, representatives and all those in privity or acting in concert with Microsoft, from directly or indirectly (i) using the trademark or tradename "Kin" in connection with the sale or offering of on-line social networking software or applications; (ii) performing any actions or using, trade names, words, names, styles, titles, or designs that are likely to cause confusion or mistake, to deceive, or otherwise mislead the trade or public into believing that Kinbook and Microsoft are one and the same, or in some way affiliated or connected, or that the goods produced and manufactured by Microsoft originate with Kinbook; (iii) using trademarks or tradenames or engaging in any other conduct that creates a likelihood of injury to the business reputation of Kinbook or a likelihood of misappropriation and dilution of Kinbook's distinctive trademarks and tradenames and the goodwill associated therewith; and (iv) using any practice whatsoever, including those set forth in this complaint, that tend to unfairly compete with or injure Kinbook, its business, or the goodwill it has developed and is associated with Kinbox® and Munckinbox®;

b. An accounting of all gains, profits and advantages derived by Microsoft from the activities complained of in this complaint;

c. The fullest possible monetary recovery against Microsoft as specified in U.S.C.A. § 1117, including treble damages, together with such other and additional amounts recoverable under principles of common law;

- d. Costs and expenses of litigation against Microsoft, including attorneys' fees, together with interest thereon at the legal rate; and
- e. Such other relief as the Court deems just and proper.

/s Richard D. Gallucci, Jr.

RICHARD D. GALLUCCI, JR.

OLIVER D. GRIFFIN

SPECTOR GADON & ROSEN, P.C.

A Professional Corporation

1635 Market Street

7<sup>th</sup> Floor

Philadelphia, PA 19103

Phone: 215-241-8888

Fax: 215-241-8844

*Attorneys for Plaintiff,  
Kinbook, LLC*

Date: September 17, 2010

895291

# **EXHIBIT "A"**

# Trademark/Service Mark Application, Principal Register

Serial Number: 77884017  
Filing Date: 12/02/2009

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77884017
<b>MARK INFORMATION</b>	
* <b>MARK</b>	<u>KINBOX</u>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	KINBOX
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
* <b>OWNER OF MARK</b>	Kinbook, LLC
* <b>STREET</b>	151 Blackpool Road
* <b>CITY</b>	Rehoboth Beach
* <b>STATE (Required for U.S. applicants)</b>	Delaware
* <b>COUNTRY</b>	United States
* <b>ZIP/POSTAL CODE (Required for U.S. applicants only)</b>	19971
<b>LEGAL ENTITY INFORMATION</b>	

**TYPE** limited liability company

**STATE/COUNTRY**

**WHERE LEGALLY ORGANIZED** Delaware

### GOODS AND/OR SERVICES AND BASIS INFORMATION

\*

**INTERNATIONAL CLASS** 045

\* **IDENTIFICATION** On-line social networking services enabling sharing of information among family members

**FILING BASIS** SECTION 1(b)

### ATTORNEY INFORMATION

**NAME** Rex A. Donnelly

**ATTORNEY**

**DOCKET NUMBER** KNB-100US

**FIRM NAME** RatnerPrestia

**STREET** 1007 N. Orange Street; Suite 1100

**INTERNAL ADDRESS** P. O. Box 1596

**CITY** Wilmington

**STATE** Delaware

**COUNTRY** United States

**ZIP/POSTAL CODE** 19899

**PHONE** 3027782500

**FAX** 3027782600

**EMAIL ADDRESS** tmde@ratnerprestia.com

**AUTHORIZED TO COMMUNICATE VIA EMAIL** Yes

**OTHER APPOINTED** Lawrence E. Ashery, Eric Berkowitz, Joshua L. Cohen, Christopher Dervishian, Jacques L. Etkowicz, Zachary J. Fansler, Jack J. Jankovitz, Andrew J. Koopman, Benjamin E. Leace, Christopher R. Lewis, Glenn M. Massina, John W. McGlynn, Glen Murphy, Kenneth N. Nigon, Paul F.

**ATTORNEY** Prestia, Allan Ratner, Christopher A. Rothe, Lauren Schmidt, Robert P. Seitter, Jaimin B. Shah, Jonathan H. Spadt, Stephen J. Weed, Stanley Weinberg

**CORRESPONDENCE INFORMATION**

**NAME** Rex A. Donnelly  
**FIRM NAME** RatnerPrestia  
**STREET** 1007 N. Orange Street; Suite 1100  
**INTERNAL ADDRESS** P. O. Box 1596  
**CITY** Wilmington  
**STATE** Delaware  
**COUNTRY** United States  
**ZIP/POSTAL CODE** 19899  
**PHONE** 3027782500  
**FAX** 3027782600  
**EMAIL ADDRESS** tmde@ratnerprestia.com  
**AUTHORIZED TO COMMUNICATE VIA EMAIL** Yes

**FEES INFORMATION**

**NUMBER OF CLASSES** 1  
**FEES PER CLASS** 325  
**\*TOTAL FEE DUE** 325  
**\*TOTAL FEE PAID** 325

**SIGNATURE INFORMATION**

**ORIGINAL PDF FILE** hw\_14614549106-105251775 . Declaration for the Mark KINBOX.pdf  
**CONVERTED PDF FILE(S)** \TICRS\EXPORT8\IMAGEOUT8\778\840\77884017\xml\APP0003.JPG  
**(1 page)**  
**SIGNATORY'S NAME** Jacquelyn Blue

SIGNATORY'S  
POSITION                    CEO

**Trademark/Service Mark Application, Principal Register**

**Serial Number: 77884017**

**Filing Date: 12/02/2009**

**To the Commissioner for Trademarks:**

**MARK: KINBOX (Standard Characters, see mark)**

The literal element of the mark consists of KINBOX.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Kinbook, LLC, a limited liability company legally organized under the laws of Delaware, having an address of

151 Blackpool Road  
Rehoboth Beach, Delaware 19971

United States  
requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 045: On-line social networking services enabling sharing of information among family members

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant hereby appoints Rex A. Donnelly and Lawrence E. Ashery, Eric Berkowitz, Joshua L. Cohen, Christopher Dervishian, Jacques L. Etkowicz, Zachary J. Fansler, Jack J. Jankovitz, Andrew J. Koopman, Benjamin E. Leace, Christopher R. Lewis, Glenn M. Massina, John W. McGlynn, Glen Murphy, Kenneth N. Nigon, Paul F. Prestia, Allan Ratner, Christopher A. Rothe, Lauren Schmidt, Robert P. Seitter, Jaimin B. Shah, Jonathan H. Spadt, Stephen J. Weed, Stanley Weinberg of RatnerPrestia

P. O. Box 1596  
1007 N. Orange Street; Suite 1100  
Wilmington, Delaware 19899  
United States

to submit this application on behalf of the applicant. The attorney docket/reference number is KNB-100US.

Correspondence Information: Rex A. Donnelly

RatnerPrestia  
P. O. Box 1596  
1007 N. Orange Street; Suite 1100  
Wilmington, Delaware 19899  
3027782500(phone)  
3027782600(fax)  
tmde@ratnerprestia.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

**Original PDF file:**

hw\_14614549106-105251775 . Declaration for the Mark KINBOX.pdf

**Converted PDF file(s) (1 page)**

Signature File1

Signatory's Name: Jacquelyn Blue

Signatory's Position: CEO

RAM Sale Number: 8888

RAM Accounting Date: 12/02/2009

Serial Number: 77884017

Internet Transmission Date: Wed Dec 02 11:13:53 EST 2009

TEAS Stamp: USPTO/BAS-146.145.49.106-200912021113530

35680-77884017-460be23bfbf952226746c42e9

8c41905fb8-CC-8888-20091202105251775178

**KINBOX**

DEC-01-2009 10:16 PM JBLUE

6105780855

P. 05

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature Section:

Signature:

Signatory's Name: Jacqueline Blue

Signatory's Position: CEO

Date Signed: Dec. 1, 2009

**NOTE TO APPLICANT:** When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; a signature by itself will not be acceptable. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the one complete page can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

**KINBOX**

# Trademark/Service Mark Application, Principal Register

Serial Number: 77884174

Filing Date: 12/02/2009

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77884174
<b>MARK INFORMATION</b>	
*MARK	<u>\TICRS\EXPORT8\IMAGEOUT8\778\841\77884174\xml1\AP</u> <u>P0002.JPG</u>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of stylized text forming the word "KinBox" with the letter "i" represented by the figures of an adult and child and the letter "o" represented in the form of a rectangular box containing the figures of an adult waving to a child.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	766 x 210
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Kinbook, LLC
*STREET	151 Blackpool Road
*CITY	Rehoboth Beach
*STATE (Required for U.S. applicants)	Delaware
*COUNTRY	United States

**\*ZIP/POSTAL**

**CODE** 19971

(Required for U.S.  
applicants only)

**LEGAL ENTITY INFORMATION**

**TYPE** limited liability company

**STATE/COUNTRY**

**WHERE** Delaware

**LEGALLY**

**ORGANIZED**

**GOODS AND/OR SERVICES AND BASIS INFORMATION**

\*

**INTERNATIONAL** 045

**CLASS**

On-line social networking services enabling sharing of information among

\*

**IDENTIFICATION** family members

**FILING BASIS**

SECTION 1(b)

**ATTORNEY INFORMATION**

**NAME** Rex A. Donnelly

**ATTORNEY**

**DOCKET** KNB-102US

**NUMBER**

**FIRM NAME**

RatnerPrestia

**STREET**

1007 N. Orange Street; Suite 1100

**INTERNAL**

**ADDRESS**

P. O. Box 1596

**CITY**

Wilmington

**STATE**

Delaware

**COUNTRY**

United States

**ZIP/POSTAL**

19899

**CODE**

**PHONE**

302-778-2500

**FAX**

302-778-2600

**EMAIL ADDRESS**

tmde@ratnerprestia.com

**AUTHORIZED TO**

**COMMUNICATE** Yes  
**VIA EMAIL**

**OTHER  
APPOINTED  
ATTORNEY**

Lawrence E. Ashery, Eric Berkowitz, Joshua L. Cohen, Christopher Dervishian, Jacques L. Etkowicz, Zachary J. Fansler, Jack J. Jankovitz, Andrew J. Koopman, Benjamin E. Leace, Christopher R. Lewis, Glenn M. Massina, John W. McGlynn, Glenn Murphy, Kenneth N. Nigon, Paul F. Prestia, Allan Ratner, Christopher A. Rothe, Lauren Schmidt, Robert P. Seitter, Jaimin B. Shah, Jonathan H. Spadt, Stephen J. Weed, Stanley Weinberg

#### **CORRESPONDENCE INFORMATION**

**NAME** Rex A. Donnelly  
**FIRM NAME** RatnerPrestia  
**STREET** 1007 N. Orange Street; Suite 1100  
**INTERNAL  
ADDRESS** P. O. Box 1596  
**CITY** Wilmington  
**STATE** Delaware  
**COUNTRY** United States  
**ZIP/POSTAL  
CODE** 19899  
**PHONE** 302-778-2500  
**FAX** 302-778-2600  
**EMAIL ADDRESS** tmde@ratnerprestia.com

**AUTHORIZED TO  
COMMUNICATE** Yes  
**VIA EMAIL**

#### **FEE INFORMATION**

**NUMBER OF  
CLASSES** 1  
**FEES PER CLASS** 325  
**\*TOTAL FEE DUE** 325  
**\*TOTAL FEE  
PAID** 325

#### **SIGNATURE INFORMATION**

**ORIGINAL  
PDF FILE** hw\_14614549106-123105335 . Declaration for KINBOX Logo.pdf

**CONVERTED  
PDF FILE(S)  
(1 page)**

**SIGNATORY'S  
NAME** Jacquelyn Blue

**SIGNATORY'S  
POSITION** CEO

\TICRS\EXPORT8\IMAGEOUT8\778\841\77884174\xml1\APP0003.JPG

## Trademark/Service Mark Application, Principal Register

**Serial Number: 77884174  
Filing Date: 12/02/2009**

### To the Commissioner for Trademarks:

#### **MARK:** (Stylized and/or Design, see mark)

The applicant is not claiming color as a feature of the mark. The mark consists of stylized text forming the word "KinBox" with the letter "i" represented by the figures of an adult and child and the letter "o" represented in the form of a rectangular box containing the figures of an adult waving to a child. The applicant, Kinbook, LLC, a limited liability company legally organized under the laws of Delaware, having an address of

151 Blackpool Road  
Rehoboth Beach, Delaware 19971

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 045: On-line social networking services enabling sharing of information among family members

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant hereby appoints Rex A. Donnelly and Lawrence E. Ashery, Eric Berkowitz, Joshua L.

Cohen, Christopher Dervishian, Jacques L. Etkowicz, Zachary J. Fansler, Jack J. Jankovitz, Andrew J. Koopman, Benjamin E. Leace, Christopher R. Lewis, Glenn M. Massina, John W. McGlynn, Glenn Murphy, Kenneth N. Nigon, Paul F. Prestia, Allan Ratner, Christopher A. Rothe, Lauren Schmidt, Robert P. Seitter, Jaimin B. Shah, Jonathan H. Spadt, Stephen J. Weed, Stanley Weinberg of RatnerPrestia

P. O. Box 1596  
1007 N. Orange Street; Suite 1100  
Wilmington, Delaware 19899  
United States  
to submit this application on behalf of the applicant. The attorney docket/reference number is KNB-102US.

Correspondence Information: Rex A. Donnelly

RatnerPrestia  
P. O. Box 1596  
1007 N. Orange Street; Suite 1100  
Wilmington, Delaware 19899  
302-778-2500(phone)  
302-778-2600(fax)  
tmde@ratnerprestia.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

**Original PDF file:**

hw\_14614549106-123105335 . Declaration for KINBOX Logo.pdf

**Converted PDF file(s) (1 page)**

Signature File1

Signatory's Name: Jacquelyn Blue

Signatory's Position: CEO

RAM Sale Number: 10029

RAM Accounting Date: 12/02/2009

Serial Number: 77884174

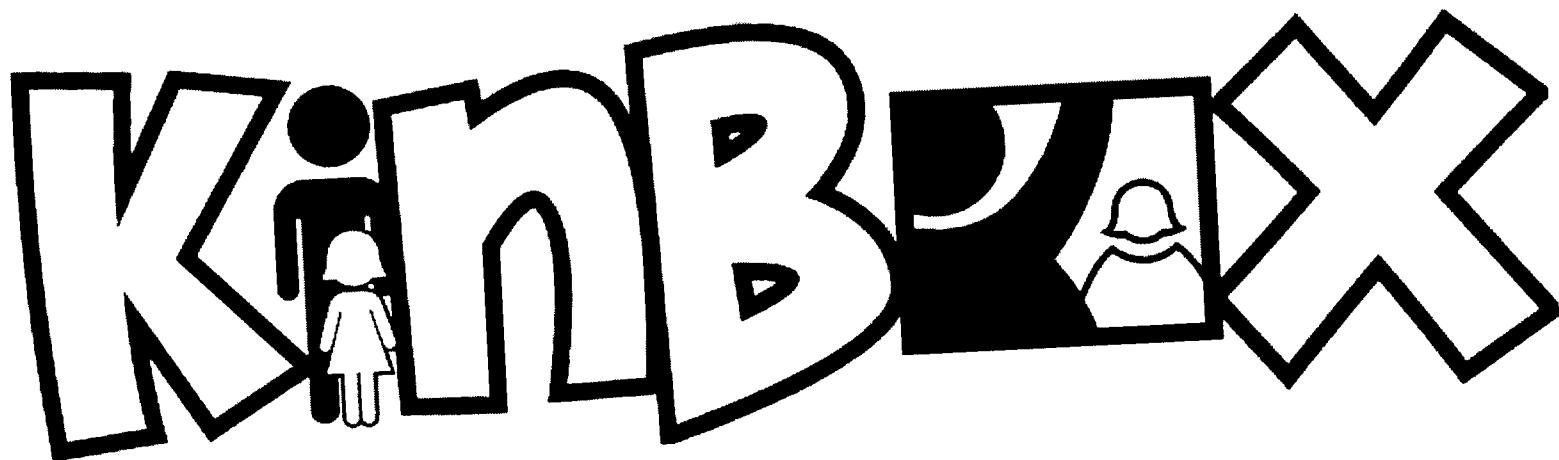
Internet Transmission Date: Wed Dec 02 12:50:08 EST 2009

TEAS Stamp: USPTO/BAS-146.145.49.106-200912021250080

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KinBrix



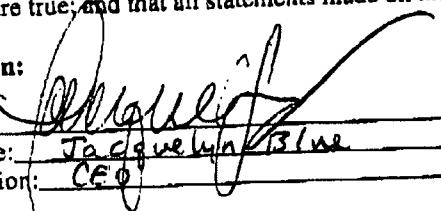
DEC-01-2009 10:15 PM JBLUE

6105780855

P.03

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

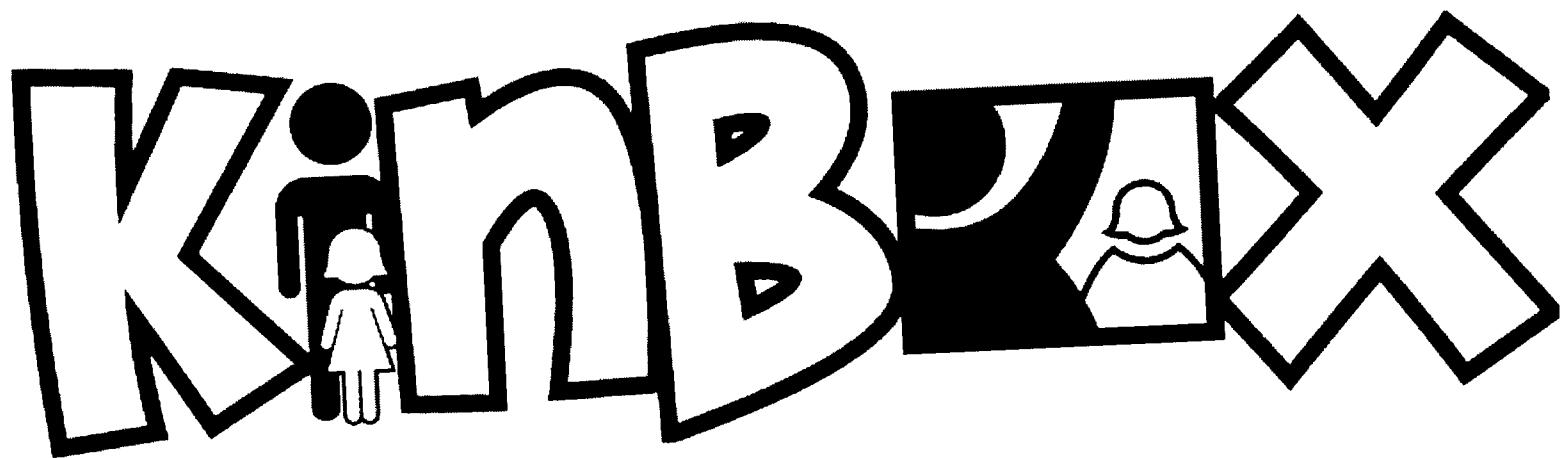
**Signature Section:**Signature: 

Signatory's Name: Jacqueline Blue

Signatory's Position: CEO

Date Signed: Dec. 1, 2009

**NOTE TO APPLICANT:** When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.



# Trademark/Service Mark Application, Principal Register

Serial Number: 77884060

Filing Date: 12/02/2009

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77884060
<b>MARK INFORMATION</b>	
* <b>MARK</b>	<u>MUNCHKINBOX</u>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	MUNCHKINBOX
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
* <b>OWNER OF MARK</b>	Kinbook, LLC
* <b>STREET</b>	151 Blackpool Road
* <b>CITY</b>	Rehoboth Beach
* <b>STATE (Required for U.S. applicants)</b>	Delaware
* <b>COUNTRY</b>	United States
* <b>ZIP/POSTAL CODE (Required for U.S. applicants only)</b>	19971
<b>LEGAL ENTITY INFORMATION</b>	

**TYPE** limited liability company

**STATE/COUNTRY**

**WHERE LEGALLY ORGANIZED** Delaware

### **GOODS AND/OR SERVICES AND BASIS INFORMATION**

\*

**INTERNATIONAL CLASS** 045

\* **IDENTIFICATION** On-line social networking services enabling sharing of information among children and their extended family

**FILING BASIS** SECTION 1(b)

### **ATTORNEY INFORMATION**

**NAME** Rex A. Donnelly

**ATTORNEY**

**DOCKET NUMBER** KNB-101US

**FIRM NAME**

RatnerPrestia

**STREET**

1007 N. Orange Street; Suite 1100

**INTERNAL ADDRESS**

P. O. Box 1596

**CITY**

Wilmington

**STATE**

Delaware

**COUNTRY**

United States

**ZIP/POSTAL CODE**

19899

**PHONE**

3027782500

**FAX**

3027782600

**EMAIL ADDRESS**

tmde@ratnerprestia.com

**AUTHORIZED TO COMMUNICATE VIA EMAIL**

Lawrence E. Ashery, Eric Berkowitz, Joshua L. Cohen, Christopher Dervishian, Jacques L. Etkowicz, Zachary J. Fansler, Jack J. Jankovitz, Andrew J. Koopman, Benjamin E. Leace, Christopher R. Lewis, Glenn M. Massina, John W. McGlynn, Glenn Murphy, Kenneth N. Nigon, Paul F.

**OTHER APPOINTED**

**ATTORNEY** Prestia, Allan Ratner, Christopher A. Rothe, Lauren Schmidt, Robert P. Seitter, Jaimin B. Shah, Jonathan H. Spadt, Stephen J. Weed, Stanley Weinberg

**CORRESPONDENCE INFORMATION**

**NAME** Rex A. Donnelly  
**FIRM NAME** RatnerPrestia  
**STREET** 1007 N. Orange Street; Suite 1100  
**INTERNAL ADDRESS** P. O. Box 1596  
**CITY** Wilmington  
**STATE** Delaware  
**COUNTRY** United States  
**ZIP/POSTAL CODE** 19899  
**PHONE** 3027782500  
**FAX** 3027782600  
**EMAIL ADDRESS** tmde@ratnerprestia.com  
**AUTHORIZED TO COMMUNICATE VIA EMAIL** Yes

**FEES INFORMATION**

**NUMBER OF CLASSES** 1  
**FEES PER CLASS** 325  
**\*TOTAL FEE DUE** 325  
**\*TOTAL FEE PAID** 325

**SIGNATURE INFORMATION**

**ORIGINAL PDF FILE** hw\_14614549106-112538852 . Declaration for the Mark KINBOX.pdf  
**CONVERTED PDF FILE(S) (1 page)** \TICRS\EXPORT8\IMAGEOUT8\778\840\77884060\xml1\APP0003.JPG  
**SIGNATORY'S NAME** Jacquelyn Blue

SIGNATORY'S  
POSITION      CEO

**Trademark/Service Mark Application, Principal Register**

**Serial Number: 77884060**

**Filing Date: 12/02/2009**

**To the Commissioner for Trademarks:**

**MARK:** MUNCHKINBOX (Standard Characters, see mark)

The literal element of the mark consists of MUNCHKINBOX.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Kinbook, LLC, a limited liability company legally organized under the laws of Delaware, having an address of

151 Blackpool Road  
Rehoboth Beach, Delaware 19971  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 045: On-line social networking services enabling sharing of information among children and their extended family

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant hereby appoints Rex A. Donnelly and Lawrence E. Ashery, Eric Berkowitz, Joshua L. Cohen, Christopher Dervishian, Jacques L. Etkowicz, Zachary J. Fansler, Jack J. Jankovitz, Andrew J. Koopman, Benjamin E. Leace, Christopher R. Lewis, Glenn M. Massina, John W. McGlynn, Glenn Murphy, Kenneth N. Nigon, Paul F. Prestia, Allan Ratner, Christopher A. Rothe, Lauren Schmidt, Robert P. Seitter, Jaimin B. Shah, Jonathan H. Spadt, Stephen J. Weed, Stanley Weinberg of RatnerPrestia

P. O. Box 1596  
1007 N. Orange Street; Suite 1100  
Wilmington, Delaware 19899  
United States

to submit this application on behalf of the applicant. The attorney docket/reference number is KNB-101US.

Correspondence Information: Rex A. Donnelly

RatnerPrestia  
P. O. Box 1596  
1007 N. Orange Street; Suite 1100  
Wilmington, Delaware 19899  
3027782500(phone)  
3027782600(fax)  
tmde@ratnerprestia.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

**Original PDF file:**

hw\_14614549106-112538852\_Declaration for the Mark\_KINBOX.pdf

**Converted PDF file(s) (1 page)**

Signature File1

Signatory's Name: Jacquelyn Blue

Signatory's Position: CEO

RAM Sale Number: 9231

RAM Accounting Date: 12/02/2009

Serial Number: 77884060

Internet Transmission Date: Wed Dec 02 11:41:04 EST 2009

TEAS Stamp: USPTO/BAS-146.145.49.106-200912021141041

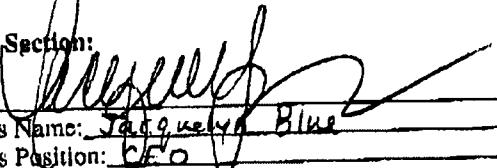
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MUNCHKINBOX

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

**Signature Section:**Signature: Signatory's Name: Jason BlueSignatory's Position: CEODate Signed: Dec. 1, 2009

**NOTE TO APPLICANT:** When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

MUNCHKINBOX

# Trademark/Service Mark Application, Principal Register

**Serial Number: 77884195**  
**Filing Date: 12/02/2009**

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	77884195
<b>MARK INFORMATION</b>	<u>\TICRS\EXPORT8\IMAGEOUT8\77884195\xml1\AP</u> <u>P0002.JPG</u>
<b>SPECIAL FORM</b>	YES
<b>USPTO-GENERATED IMAGE</b>	NO
<b>COLOR MARK</b>	NO
<b>*DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	The mark consists of stylized text forming the word "MunchkinBox" with the letter "i" represented by the figures of an adult and child and the letter "o" represented in the form of a rectangular box containing the figures of an adult waving to a child.
<b>PIXEL COUNT ACCEPTABLE</b>	NO
<b>PIXEL COUNT</b>	792 x 160
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	Kinbook, LLC
<b>*STREET</b>	151 Blackpool Road
<b>*CITY</b>	Rehoboth Beach
<b>*STATE (Required for U.S. applicants)</b>	Delaware
<b>*COUNTRY</b>	United States

**\*ZIP/POSTAL**

**CODE** 19971

(Required for U.S.  
applicants only)

**LEGAL ENTITY INFORMATION**

**TYPE** limited liability company

**STATE/COUNTRY**

**WHERE  
LEGALLY  
ORGANIZED** Delaware

**GOODS AND/OR SERVICES AND BASIS INFORMATION**

\* **INTERNATIONAL** 045

**CLASS**

On-line social networking services enabling sharing of information among  
children and their extended family

**FILING BASIS** SECTION 1(b)

**ATTORNEY INFORMATION**

**NAME** Rex A. Donnelly

**ATTORNEY  
DOCKET  
NUMBER** KNB-103US

**FIRM NAME** RatnerPrestia

**STREET** 1007 N. Orange Street; Suite 1100

**INTERNAL  
ADDRESS** P. O. Box 1596

**CITY** Wilmington

**STATE** Delaware

**COUNTRY** United States

**ZIP/POSTAL  
CODE** 19899

**PHONE** 302-778-2500

**FAX** 302-778-2600

**EMAIL ADDRESS** tmde@ratnerprestia.com

**AUTHORIZED TO**

**COMMUNICATE** Yes  
**VIA EMAIL**

**OTHER  
APPOINTED  
ATTORNEY**

Lawrence E. Ashery, Eric Berkowitz, Joshua L. Cohen, Christopher Dervishian, Jacques L. Etkowicz, Zachary J. Fansler, Jack J. Jankovitz, Andrew J. Koopman, Benjamin E. Leace, Christopher R. Lewis, Glenn M. Massina, John W. McGlynn, Glenn Murphy, Kenneth N. Nigon, Paul F. Prestia, Allan Ratner, Christopher A. Rothe, Lauren Schmidt, Robert P. Seitter, Jaimin B. Shah, Jonathan H. Spadt, Stephen J. Weed, Stanley Weinberg

#### **CORRESPONDENCE INFORMATION**

**NAME** Rex A. Donnelly  
**FIRM NAME** RatnerPrestia  
**STREET** 1007 N. Orange Street; Suite 1100  
**INTERNAL  
ADDRESS** P. O. Box 1596  
**CITY** Wilmington  
**STATE** Delaware  
**COUNTRY** United States  
**ZIP/POSTAL  
CODE** 19899  
**PHONE** 302-778-2500  
**FAX** 302-778-2600  
**EMAIL ADDRESS** tmde@ratnerprestia.com

**AUTHORIZED TO  
COMMUNICATE** Yes  
**VIA EMAIL**

#### **FEES INFORMATION**

**NUMBER OF  
CLASSES** 1  
**FEES PER CLASS** 325  
**\*TOTAL FEES DUE** 325  
**\*TOTAL FEES  
PAID** 325

#### **SIGNATURE INFORMATION**

**ORIGINAL** hw\_14614549106-  
**PDF FILE**

125524887 . Declaration for MUNCHKINBOX Logo.pdf

<b>CONVERTED PDF FILE(S) (1 page)</b>	<u>\TICRS\EXPORT8\IMAGEOUT8\778\841\77884195\xml1\APP0003.JPG</u>
<b>SIGNATORY'S NAME</b>	Jacquelyn Blue
<b>SIGNATORY'S POSITION</b>	CEO

## **Trademark/Service Mark Application, Principal Register**

**Serial Number: 77884195**

**Filing Date: 12/02/2009**

### **To the Commissioner for Trademarks:**

#### **MARK: (Stylized and/or Design, see mark)**

The applicant is not claiming color as a feature of the mark. The mark consists of stylized text forming the word "MunchkinBox" with the letter "i" represented by the figures of an adult and child and the letter "o" represented in the form of a rectangular box containing the figures of an adult waving to a child.

The applicant, Kinbook, LLC, a limited liability company legally organized under the laws of Delaware, having an address of

151 Blackpool Road  
Rehoboth Beach, Delaware 19971  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

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The applicant hereby appoints Rex A. Donnelly and Lawrence E. Ashery, Eric Berkowitz, Joshua L. Cohen, Christopher Dervishian, Jacques L. Etkowicz, Zachary J. Fansler, Jack J. Jankovitz, Andrew J. Koopman, Benjamin E. Leace, Christopher R. Lewis, Glenn M. Massina, John W. McGlynn, Glenn Murphy, Kenneth N. Nigon, Paul F. Prestia, Allan Ratner, Christopher A. Rothe, Lauren Schmidt, Robert P. Seitter, Jaimin B. Shah, Jonathan H. Spadt, Stephen J. Weed, Stanley Weinberg of RatnerPrestia

P. O. Box 1596  
1007 N. Orange Street; Suite 1100  
Wilmington, Delaware 19899  
United States  
to submit this application on behalf of the applicant. The attorney docket/reference number is KNB-103US.

Correspondence Information: Rex A. Donnelly

RatnerPrestia

P. O. Box 1596

1007 N. Orange Street; Suite 1100

Wilmington, Delaware 19899

302-778-2500(phone)

302-778-2600(fax)

tmde@ratnerprestia.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

#### **Declaration**

#### **Original PDF file:**

hw\_14614549106-125524887 . Declaration for MUNCHKINBOX Logo.pdf

#### **Converted PDF file(s) (1 page)**

#### Signature File1

Signatory's Name: Jacquelyn Blue

Signatory's Position: CEO

RAM Sale Number: 10220

RAM Accounting Date: 12/02/2009

Serial Number: 77884195

Internet Transmission Date: Wed Dec 02 13:07:45 EST 2009

TEAS Stamp: USPTO/BAS-146.145.49.106-200912021307456

27428-77884195-460443390a2a4ebe3e36b892f

25c5bde1d1-CC-10220-20091202125524887580

Munchkin<sup>TM</sup>

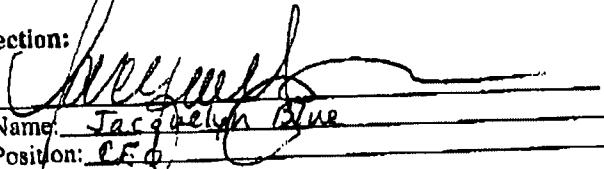
DEC-01-2009 10:17 PM JBLUE

6105780055

P. 07

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

**Signature Section:**Signature: 

Signatory's Name: Jacqueline Blue

Signatory's Position: CEO

Date Signed: Dec. 1, 2009

**NOTE TO APPLICANT:** When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; a signature by itself will not be acceptable. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the one complete page can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

Munchkin<sup>BPA</sup>X

# **EXHIBIT "B"**

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Search



Your Memory Box. Now And Forever.

Home

My KinBoxes

My Profile

Search

About

Terms of Service

Help

Rex's Kin

Events

MunchKinBox

LegacyBox

Memories

Invite

Settings

### KinBox Members



Create KinBox

Edit This KinBox

Create An Event

KinBox Requests

Invite List

Invite to KinBox

### About This KinBox

Donnelly family



July 2010

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

### Post a Memory, Story or Comment Here

No comments have been entered. Please post a comment, story, or memory below.

Comment:

Post

CAPTURE THE CHILDHOOD  
OF LOVED ONES THROUGH:  
PHOTOGRAPHY & VIDEO BY KINBOX STUDIOS

MUNCHKIN<sup>®</sup> BOX

# LEGACYBOX

PRESERVE & HONOR THOSE LOVED ONES  
WHO'VE PASSED ON

Report English (US)

About Advert

Chat (3)

# **EXHIBIT "C"**

## Trademark Electronic Search System (TESS)

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Sat Jun 12 03:56:59 EDT 2010

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">BOTTOM</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>							

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# KIN

<b>Word Mark</b>	KIN
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: mobile phones; portable audio-video media players; smartphones; handheld computing devices; operating system software for mobile phones, portable audio-video media players, smartphones and handheld computing devices
	IC 042. US 100 101. G & S: on-line services related to maintaining and organizing mobile phone related data; on-line audio-visual data storage and download services; on-line software download services
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85011924
<b>Filing Date</b>	April 12, 2010
<b>Current Filing Basis</b>	1B;44D
<b>Original Filing Basis</b>	1B;44D
<b>Owner</b>	(APPLICANT) Microsoft Corporation CORPORATION WASHINGTON One Microsoft Way Redmond WASHINGTON 980526399
<b>Attorney of Record</b>	William O. Ferron, Jr.
<b>Priority Date</b>	December 21, 2009
<b>Type of Mark</b>	TRADEMARK. SERVICE MARK
<b>Register</b>	PRINCIPAL

Live/Dead  
Indicator

LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSER DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST
FIRST DOC	PREV DOC	NEXT DOC	LAST DOC							

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# Trademark/Service Mark Application, Principal Register

Serial Number: 85011924  
Filing Date: 04/12/2010

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85011924
<b>MARK INFORMATION</b>	
*MARK	KIN
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	KIN
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Microsoft Corporation
*STREET	One Microsoft Way
*CITY	Redmond
*STATE (Required for U.S. applicants)	Washington
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	98052-6399
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Washington
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	

**\*INTERNATIONAL CLASS**

009

mobile phones; portable audio-video media players; smartphones; handheld computing devices; operating system software for mobile phones, portable audio-video media players, smartphones and handheld computing devices

**\*IDENTIFICATION****FILING BASIS**

SECTION 1(b)

**FILING BASIS**

SECTION 44(d)

**FOREIGN APPLICATION NUMBER**

2009/26,196

**FOREIGN APPLICATION COUNTRY**

South Africa

**FOREIGN FILING DATE**

12/21/2009

**\*INTERNATIONAL CLASS**

042

on-line services related to maintaining and organizing mobile phone related data; on-line audio-visual data storage and download services; on-line software download services

**\*IDENTIFICATION****FILING BASIS**

SECTION 1(b)

**FILING BASIS**

SECTION 44(d)

**FOREIGN APPLICATION NUMBER**

2009/26,198

**FOREIGN APPLICATION COUNTRY**

South Africa

**FOREIGN FILING DATE**

12/21/2009

**ATTORNEY INFORMATION****NAME**

William O. Ferron, Jr.

**ATTORNEY DOCKET NUMBER**

664005.20058

**FIRM NAME**

Seed IP Law Group PLLC

**STREET**

701 Fifth Avenue

**INTERNAL ADDRESS**

Suite 5400

**CITY**

Seattle

**STATE**

Washington

**COUNTRY**

United States

<b>ZIP/POSTAL CODE</b>	98104
<b>PHONE</b>	206-622-4900
<b>FAX</b>	206-682-6031
<b>EMAIL ADDRESS</b>	BillF.docketing@SeedIP.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Lorraine Linford, E. Russell Tarleton, Kevin S. Costanza, Timothy L. Boller, Karl L. Klassen, Nathaniel E. Durrance and Jared M. Barrett

**CORRESPONDENCE INFORMATION**

<b>NAME</b>	William O. Ferron, Jr.
<b>FIRM NAME</b>	Seed IP Law Group PLLC
<b>STREET</b>	701 Fifth Avenue
<b>INTERNAL ADDRESS</b>	Suite 5400
<b>CITY</b>	Seattle
<b>STATE</b>	Washington
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	98104
<b>PHONE</b>	206-622-4900
<b>FAX</b>	206-682-6031
<b>EMAIL ADDRESS</b>	BillF.docketing@SeedIP.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes

**FEE INFORMATION**

<b>NUMBER OF CLASSES</b>	2
<b>FEES PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	650
<b>*TOTAL FEE PAID</b>	650

**SIGNATURE INFORMATION**

<b>SIGNATURE</b>	/William O. Ferron, Jr./
<b>SIGNATORY'S NAME</b>	William O. Ferron, Jr.

**SIGNATORY'S POSITION**

Attorney for Applicant, Washington State Bar  
Member

**DATE SIGNED**

04/12/2010

**Trademark/Service Mark Application, Principal Register**

**Serial Number: 85011924**  
**Filing Date: 04/12/2010**

**To the Commissioner for Trademarks:**

**MARK:** KIN (Standard Characters, see mark)

The literal element of the mark consists of KIN.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Microsoft Corporation, a corporation of Washington, having an address of

One Microsoft Way  
Redmond, Washington 98052-6399  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: mobile phones; portable audio-video media players; smartphones; handheld computing devices; operating system software for mobile phones, portable audio-video media players, smartphones and handheld computing devices

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on South Africa application number 2009/26,196, filed 12/21/2009. 15 U.S.C. Section 1126(d), as amended.

International Class 042: on-line services related to maintaining and organizing mobile phone related data; on-line audio-visual data storage and download services; on-line software download services  
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related

company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on South Africa application number 2009/26,198, filed 12/21/2009. 15 U.S.C. Section 1126(d), as amended.

The applicant hereby appoints William O. Ferron, Jr. and Lorraine Linford, E. Russell Tarleton, Kevin S. Costanza, Timothy L. Boller, Karl L. Klassen, Nathaniel E. Durrance and Jared M. Barrett of Seed IP Law Group PLLC

Suite 5400  
701 Fifth Avenue  
Seattle, Washington 98104  
United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 664005.20058.

Correspondence Information: William O. Ferron, Jr.

Seed IP Law Group PLLC  
Suite 5400  
701 Fifth Avenue  
Seattle, Washington 98104  
206-622-4900(phone)  
206-682-6031(fax)  
BillF.docketing@SeedIP.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William O. Ferron, Jr./ Date Signed: 04/12/2010  
Signatory's Name: William O. Ferron, Jr.  
Signatory's Position: Attorney for Applicant, Washington State Bar Member

RAM Sale Number: 2585  
RAM Accounting Date: 04/13/2010

Serial Number: 85011924  
Internet Transmission Date: Mon Apr 12 16:05:20 EDT 2010  
TEAS Stamp: USPTO/BAS-38.100.227.210-201004121605205  
95129-85011924-460f35162691d4a33fe1d1443  
9b4d1df91-DA-2585-20100412160236502866

KIN

KIN

# **EXHIBIT "D"**

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### Comments

# **EXHIBIT "E"**

Microsoft Kinect to go on sale in November, somewhere -- Engadget

2 Page 1 of 5



41 HUNDEK

**FILE UNDER:** Microsoft Kinect to go on sale in November, somewhere

Thomas Ricker

... Introducing Kinect for Xbox 360 - formerly Project Natal. This extraordinary new way to play games is coming to market 2010.

Cloudy with a chance of rain, it is the latest status update to the Xbox MySpace page. However, a Microsoft rep told us, "You know, just in case you were looking for something to purchase in the coming days, *How I Met Your Mother* is the big question now."

**Update:** John was kind enough to ping me and let me know about [this](#) of a November release date on Microsoft's page which seems to have a picture of below. I'll update soon to include it, also be hitting during the end of the year, but will that out with the other one that goes up next month. Microsoft's second big event of the show kicks off. We'll be there.

Wihol - Bharat R.



COMING NOVEMBER 2010

showcse MuSpacee (Xbox)

187



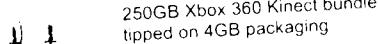
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